

GOVERNMENT OF ANDHRA PRADESH  
A B S T R A C T

Tribal Welfare – Andhra Pradesh Scheduled Area and Transfer Regulation 1959 – Revision Petition filed by Sri Kamiseti Sitaram of West Godavari District, against the order in S.R.A.No.3/2001 Dated 16-7-2001 of the Agent to Government, West Godavari District – Dismissed – Orders – Issued.

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SOCIAL WELFARE (LTR-1) DEPARTMENT

G.O.Ms.No. 101.

Dated: 21-10-2003.

Read the following:-

1. From Sri.Ch.Sitaram, Counsel for the petitioner, Revision Petition Dated: 18-8-2001.
  2. Government Letter No.13466/LTR-1/2001-1 Dated: 24-8-2001.
  3. From the Collector, West Godavari District Eluru Roc.No.F4/6874/2001 Dated: 20-3-2002.
  4. Government letter No.13466/LTR-1/2001-10 Dated: 24-10-2002.
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O R D E R:

In the reference first read above, Sri Kamiseti Sitaram filed Revision Petition through his Counsel against the orders in S.R.A.No.3/2001 Dated: 16-7-2001 of the Agent to Government, West Godavari District in respect of land measuring Acs.1.23 in R.S.No.417/1 situated in Pagadapalli agency village, Polavaram Mandal, West Godavari District. After examination of the case records and material papers, notices have been sent to both the petitioner and his Counsel to attend the hearing on 3-6-2002. The Counsel for the petitioner has appeared and requested for time and hence the case has been posted for hearing on 8-7-2002. After few adjournments the case was finally posted for hearing on 11-11-2002.

2. The Counsel for the petitioner has appeared and presented his arguments. His main contention is that the petitioner acquired the P.S land prior to the enactment of Regulation 1/1970 through a Registered sale deed in the year 1973 and the Scheduled land was never in possession of tribals from the inception of the Regulation 1/1959 read with Regulation 1/1970 and hence the sale transaction does not hit the provisions of the above said Regulations. He has therefore, Prayed this Court to set aside the order of the Agent to Government, West Godavari District.

(PTO)

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3. On verification of the records and material papers it is found that the petitioner is a non-tribal and he purchased the P.S land through a registered sale deed in the year 1973 from another non-tribal. According to Section 3(1)(a) of A.P.S.A.L.T.R.,1959 as amended by Regulation 1/1970 the sale transaction took place in between two non tribals in the instant case is null and void. The Regulation 1/1970 came into force with effect from 3-2-1970 and it will not take retrospective operation. In this case the sale transaction took place between two non-tribals after enactment of Regulation 1/1970 which is a clear violation of the Regulation 1/1970.

4. In view of the above circumstances, the Government see no reasons to interfere with the order Dated: 16-7-2001 in S.R.A.No.3/2001 of the Agent to Government, West Godavari District. In the result the order of the Agent to Government West Godavari District is upheld and the revision petition filed by Sri Kamiseti Sitaram is dismissed. The Counsel for the petitioner is requested to inform his client accordingly.

5. The Collector, West Godavari District is requested to take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,  
SECRETARY TO GOVERNMENT.

To,  
Sri.Ch.Sitaram, Advocate, H.No.16-11-404/20/A, Sainagar Colony,Mussarambag, Hyderabad 500 036 (By  
RPAD).

The Collector, West Godavari District, Eluru (w.e.)(By Regd.Parcel Original Records)

SRA.3/2001 C.F 67 Pages NF 4 Pages Lower Court SR No.559/98 dated:25-3-1999.

The Special Deputy Collector, Tribal Welfare K.R.Puram, West Godavari District.

Sri Kamisetti Sitaram S/o Sri Ramulu, Repallewada village, Polavaram Mandal, West Godavari District.(By  
R.P.A.D)

// FORWARDED BY ORDER //

SECTION OFFICER.